

SB 113-An Act Concerning Access to Original Birth Records By Adult Adopted Persons

Submitted by Karen Caffrey, Co-President, Access Connecticut, Now, Inc.
Planning & Development Committee
Public Hearing February 21, 2020

Dear Co-Chairs Senator Cassano and Representative McCarthy Vahey, Vice-Chairs Senator Needleman and Representative Baker, Ranking Members Representative Zawistowski and Senator Champagne and Distinguished Members of the Planning & Development Committee:

Access Connecticut Now, Inc. SUPPORTS SB 113-Act Concerning Access to Original Birth Records By Adult Adopted Persons, so that all Connecticut adult adoptees, including those born before October 1, 1983, and their adult children and grandchildren, can obtain a copy of their original birth certificate.

SB 113 establishes equal treatment under the law.

SB 113 establishes equality for Connecticut adoptees with all non-adopted people. It also creates equality *among* adoptees, who currently have different legal rights depending on their date of birth and whether their birth parents are dead or alive. (See attached Four Classes of Adoptees.)

SB 113 streamlines and simplifies the law.

Laws based on the truth are *simple*. Laws based on legal fictions are *complicated*.

The history of adoptee birth certificate laws (see attached Timeline) is *complicated* because it is based on the legal fiction that the adoptee is the biological offspring of their adoptive parents. This fiction was created in an attempt to remedy societal attitudes of shame and inequality towards individuals who had sex and became pregnant outside of marriage, or who were "illegitimate".

These people were deemed *less* equal:

- Adoptees/"bastards,"/"illegitimates" for carrying the bad blood of their sinful, unmarried mother and father.
- Birth mothers, for shamefully engaging in sexual relations outside of marriage.
- Adoptive parents, for being infertile.

These people were deemed *more* equal:

• Birth fathers, who avoided paternity suits and parental responsibility by not being named in original birth certificates.

SB 113 simply allows every person in the state to have the same right to obtain the true government record of their birth. It is straightforward, streamlined and egalitarian.

SB 113 improves existing law.

- It extends equality to all adopted citizens by providing access to a true, accurate birth certificate which memorializes an intimate event that pertains to them.
- It acknowledges that **information about birth is co-owned** by the two people who are most intimately involved: the woman giving birth and the person being born.
- It **strengthens faith and trust in government** by treating all citizens equally under the law.
- It helps adoptees and their children protect their health by enabling them to more easily obtain updated family medical history from birth relatives and public sources.
- It **reduces the risk of public disclosure** of birth parents by reducing the likelihood that adoptees will resort to consumer DNA testing.
- It **restores a right** that all adoptees had until 1975 under Connecticut law.
- It is **supported by 85% of Connecticut residents** (2007 Connecticut Adoption Survey conducted by the University of Connecticut Center for Survey Research and Analysis)

Respectfully Submitted,

Karen Caffrey, LPC, JD

Co-President

Access Connecticut Now, Inc.

Karen Caffrey

www.accessconnecticut.org

Access Connecticut is an all-volunteer, non-profit organization of adoptees, birth and adoptive parents, adoption professionals and supporters.



Born before January 1, 1944



Born
between
January 1,
1944 and
October 1,
1983 Can prove
birthparents
are deceased.



Born between January 1, 1944 and October 1, 1983



FOUR CLASSES OF ADOPTEES

Connecticut's unfair and inconsistent government practices regarding adult adopted persons' access to original birth certificates.

TIMELINE

OF CONNECTICUT STATUTES FOR ORIGINAL BIRTH CERTIFICATE ACCESS

1935

Dual birth certificate system created.

1944 - 1975

Unrestricted right of access to original birth certificates by all adult adoptees and parents of minor adoptees. CGS Sec. 7-53

1975

Retroactive and prospective removal of unrestricted right to access. PA 75-170.

1983

Probate Court Affidavit Form JD-JM-60 implemented on October 1, 1983. Affidavit is required in all voluntary termination of parental rights cases. Affidavit contains a notice provision that informs all biological parents that their identity, and the identity of other blood relatives, may be disclosed to adult adoptee when he or she reaches the age of 18.

1987

Retroactive restoration of the unrestricted right of all adult adoptees to obtain identifying information regarding a deceased biological parent. PA 87-555. CGS Sec. 45a-751b(2)(e). CGS 45a-753(e).

2015

Retroactive restoration of the unrestricted right of adult adoptees born and adopted on or after October 1, 1983 to obtain original birth certificate. PA 14-133. CGS 7-53.

PRESENT

Adult adoptees born and adopted on or after October 1, 1983 have unrestricted right to obtain original birth certificate. All adult adoptees have an unrestricted right to obtain identifying information regarding a deceased biological parent. All adoptees have restricted right to obtain court order releasing original birth certificate. PA 14-133. CGS 7-53. CGS Sec. 45a-751b(2)(e). CGS 45a-753(e).

